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11 *Counsel for Defendant Meta Platforms, Inc.
(formerly known as Facebook, Inc.)*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16 DZ Reserve and Cain Maxwell (d/b/a Max
17 Martialis), individually and on behalf of
others similarly situated,

Case No.: 3:18-cv-04978-JD

NOTICE OF APPEAL

Hon. James Donato

Plaintiffs.

vs.

META PLATFORMS, INC.

Defendant.

1 NOTICE IS HEREBY GIVEN THAT, Defendant Meta Platforms, Inc. (“Meta”), appeals
 2 to the United States Court of Appeals for the Ninth Circuit from this Court’s orders dated
 3 September 18, 2025, effectively denying Meta’s motion to compel arbitration and stay proceedings
 4 under Section 3 of the Federal Arbitration Act (“FAA”) (the “Motion,” Dkt. 472). *See* Dkts. 515,
 5 516. On September 18, 2025, the Court held a pre-trial conference, setting the case for trial on or
 6 around October 14, 2025, Dkt. 516 at 4, and informing the parties there would be no hearing on
 7 Meta’s Motion and to “[f]ocus on trial prep,” Dkt. 516 at 41-42; the Court then issued an order
 8 vacating the scheduled hearing on Meta’s Motion. Dkt. 515. The Court’s calendar, which is
 9 updated daily, confirms that trial in this case is set for October 14, 2025. Read in this context, and
 10 given the imminent trial date, the Court’s oral order at the pre-trial conference and its written order
 11 vacating the hearing date together effectively denied Meta’s Motion and declined to “stay the trial”
 12 of an “action” “referrable to arbitration.” FAA, 9 U.S.C. § 3. This appeal is being taken pursuant
 13 to 28 U.S.C. § 1291 and the FAA, 9 U.S.C. § 16(a)(1)(A), (B); alternatively, in the event the Court
 14 of Appeals determines that it lacks jurisdiction over this appeal, Defendant respectfully requests
 15 that this appeal be treated as a petition for a writ of mandamus pursuant to 28 U.S.C. § 1651(a).
 16 True and correct copies of the Court’s orders are attached as Exhibits A and B. A true and correct
 17 copy of the Circuit Rule 3-2 Representation Statement is also attached.

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19 DATED: October 3, 2025

LATHAM & WATKINS LLP

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/s/ Andrew B. Clubok

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